

#### 4.14 ENVIRONMENTAL JUSTICE

On February 11, 1994, President Clinton issued an "Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in programs and projects substantially affecting human health and the environment (EO 1994). The order requires the U.S. Environmental Protection Agency (EPA) and all other federal agencies (as well as State agencies receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

In 1997, the EPA's Office of Environmental Justice released the Environmental Justice Implementation Plan, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order (EO) 12898. Federal agencies received a framework for the assessment of environmental justice in the EPA's Guidance for Incorporating Environmental Justice Concerns in EPA's National Environmental Protection Act (NEPA) Compliance Analysis in 1998. This approach emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

While many State agencies have utilized the EPA's Environmental Justice Implementation Plan as a basis for the development of their own environmental justice strategies and policies, as of yet the majority of California State agencies do not have guidance for incorporation of environmental justice impact assessment into the California Environmental Quality Act (CEQA) analysis. The State Air Resources Board has, for example, examined this issue and has received advice from legal counsel, by a memorandum entitled "CEQA and Environmental Justice." This memorandum states, in part, "For the reasons set forth below, we would conclude that the CEQA can readily be adapted to the task of analyzing cumulative impacts/environmental justice whenever a public agency (including the California Air Resources Board (CARB), the air pollution control districts, and general purpose land use agencies) undertakes or permits a project or activity that may have a significant adverse impact on the physical environment. All public agencies in California are currently obliged to comply with the CEQA, and no further legislation would be needed to include an environmental justice

1 analysis in the CEQA documents prepared for the discretionary actions public agencies  
2 undertake."

3 Under AB 1553, signed into law in October 2001, the Governor's Office of Planning and  
4 Research (OPR) is required to adopt guidelines for addressing environmental justice  
5 issues in local agencies' general plans. Currently, the OPR is in the process of  
6 updating the General Plan Guidelines to incorporate the requirements of AB 1553.

#### 7 **4.14.1 California State Lands Commission Policy**

8 The California State Lands Commission (CSLC) has developed and adopted an  
9 Environmental Justice Policy to ensure equity and fairness in its own processes and  
10 procedures. The CSLC adopted an amended Environmental Justice Policy on  
11 October 1, 2002, to ensure that "Environmental Justice is an essential consideration in  
12 the Commission's processes, decisions and programs and that all people who live in  
13 California have a meaningful way to participate in these activities." The policy stresses  
14 equitable treatment of all members of the public and commits to consider environmental  
15 justice in its processes, decision-making, and regulatory affairs which is implemented, in  
16 part, through identification of, and communication with, relevant populations that could  
17 be adversely and disproportionately impacted by CSLC projects or programs, and by  
18 ensuring that a range of reasonable alternatives is identified that would minimize or  
19 eliminate environmental impacts affecting such populations. This discussion is provided  
20 in this document consistent with and in furtherance of the Commission's Environmental  
21 Justice Policy. The staff of the CSLC is required to report back to the Commission on  
22 how environmental justice is integrated into its programs, processes, and activities  
23 (CSLC 2002).

24 This section analyzes the distributional patterns of high-minority and low-income  
25 populations on a regional basis and characterizes the distribution of such populations  
26 adjacent to the proposed pipeline corridor. This analysis focuses, in the main, on  
27 whether the proposed Project's impacts have the potential to affect area(s) of high-  
28 minority population(s) and low-income communities disproportionately and, thus create  
29 an adverse environmental justice impact.

30 The environmental justice evaluation of the proposed Project has been completed by  
31 answering the following three questions sequentially:

32 (1) Would the Project cause high or adverse public health or environmental impacts on the  
33 public?

(2) Do minority or low-income populations exist within the potential impact area of the proposed Project?

(3) If there are any high or adverse Project impacts, would they disproportionately affect minority or low-income populations?

#### **4.14.2 Environmental Setting**

The proposed Project would be located within three block groups in Sacramento and San Joaquin Counties. Information regarding racial diversity and income levels of the residents of these block groups is derived from 2000 U.S. Census information. A summary of this information for the State of California and for Sacramento and San Joaquin counties is provided in Tables 4.14-1 and 4.14-2. The minority population percentage in Sacramento County is considerably lower than the percentage for the State, while the percentage in San Joaquin County is only slightly less than the State average. Average per capita income is lower in both Sacramento and San Joaquin Counties than the State average, although it is significantly lower in San Joaquin County. Average poverty levels in Sacramento County are about equal with average poverty levels within the State. There is a higher average of below poverty line populations in San Joaquin County.

#### **4.14.3 Regulatory Setting**

##### **Federal**

EO 12898 issued on February 11, 1994, required the EPA and all other Federal agencies (as well as State agencies receiving Federal funds) to identify and address any disproportionately high adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

In 1997, the EPA's Office of Environmental Justice released the *Environmental Justice Implementation Plan*, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing EO 12898. In 1998, the EPA developed a framework for the assessment of environmental justice in the preparation of environmental impact statements and environmental analyses under the National Environmental Policy Act (NEPA). This document, the *Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis*, emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

**Table 4.14-1. Summary of Census 2000 Demographics for Region**

County	Total Population	Percent Minority (a)	Annual per Capita Income (1999)	Percent Below Poverty Level	Percent Age 65 or Above
Sacramento County	1,223,499	42.2	\$21,142	14.1	11.1
San Joaquin County	563,598	52.6	\$17,365	17.7	10.6
Total for California	33,871,648	53.3	\$22,711	14.2	10.6

Note: (a) For purposes of this study, minority populations included all Hispanic or Latino origin<sup>1</sup> and other persons of non-white racial origin.

Source: US Census Bureau, Census 2000, Summary File 1 (SF-1), Tables P-4. (Hispanic or Latino, and not Hispanic or Latino by Race), P-7 (Race) and QT-IP (Age Groups and Sex) and Summary File 3 (SF-3), Tables P82 (Per Capita Income in 1999) and P-88 (Ratio of Income to Poverty Level).

**Table 4.14-2. Summary of Census 2000 Race and Ethnicity Demographics for Region**

County	Total Population	Percent White (a)	Percent Black or African American	Percent American Indian & Alaska Native	Percent Asian	Percent Native Hawaiian & Other Pacific Islander	Percent Some Other Race	Percent Two or More Races	Percent Hispanic or Latino (of Any Race)	Percent Minority (b)
Sacramento County	1,223,499	64.0	10.0	1.1	11.0	0.6	7.5	5.8	16.0	42.2
San Joaquin County	563,598	58.1	6.7	1.1	11.4	0.3	16.3	6.0	30.5	52.6
Total for California	33,871,648	59.5	6.7	1.0	10.9	0.3	16.8	4.7	32.4	53.3

Notes: (a) White includes some persons of Hispanic or Latino origin.

(b) For purposes of this study, minority populations included all Hispanic or Latino origin and other persons of non-white racial origin.

Source: US Census Bureau, Census 2000. Summary File (SF-1), Tables P-4. (Hispanic or Latino, and not Hispanic or Latino by Race) and P-7 (Race).

<sup>1</sup> Historically, the U.S. Census Bureau has classified race and Hispanic origin as two separate concepts. The recent introduction of the option to report more than one race added more complexity to the presentation and comparison of U.S. Census data. Race and Hispanic origin are two separate concepts in the Federal Statistical system. People who are Hispanic may be of any race. People in each race group may be either Hispanic or non-Hispanic. Each person has two attributes, their race (or races) and whether or not they are Hispanic. Overlap of race and Hispanic origin is the main comparability issue. For more information on the definition of the term "Hispanic" see U.S. Census Bureau, 2004 <http://www.census.gov/population/www/socdemo/comraceho.html>. This document uses the term "Hispanic or Latino."

**State**

The CSLC has developed an environmental justice policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, to ensure that "Environmental Justice is an essential consideration in the Commission's processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities."

The CSLC relies on the CEQA process to identify relevant low income and minority populations that could be adversely and disproportionately affected by CSLC-reviewed projects or programs, to encourage participation of these populations, and to address potential impacts on such populations.

**Regional and Local**

In some parts of California, Metropolitan Transportation Agencies and Councils of Governments (COGs) have developed environmental justice policies in response to EO 12898, the 1990 Americans with Disabilities Act, the 1990 Clean Air Act Amendments, and the Intermodal Surface Transportation Efficiency Act of 1991. Sacramento and San Joaquin counties do not have official environmental justice policies.

**4.14.4 Significance Criteria**

According to EO 12898 and CSLC policy, an environmental justice impact would be considered significant and would require mitigation if Project construction or operation would cause any minority or low-income population to bear a disproportionate share of an adverse impact.

**4.14.5 Impact Analysis and Mitigation**

For this analysis, an impact area of 1,000 feet centered on the proposed pipeline alignment was used. This potential impact area encompasses not only any construction-related impacts on populations near the proposed pipeline corridor but is also the distance at which members of the public have a potential to be affected in the unlikely event of a rupture and explosion of the pipeline.

## 1    **Impact Discussion**

### 2    *Potentially Affected Populations*

3    Evaluation of minority and low-income populations within the potential impact area of  
4    the Project is based on U.S. Bureau of the Census, Census 2000 data. The potential  
5    impact area of the Project crosses three block groups within two census tracts, two in  
6    Sacramento County and one in San Joaquin County. According to Census 2000 data,  
7    these tracts include a total population of 7,432 persons.

8    Potential environmental justice areas of concern within the potential Project impact area  
9    were identified by comparing average minority and low-income population percentages  
10    within tracts in the potential Project impact area to threshold values. These threshold  
11    values were calculated by multiplying the county average for which the tract is located  
12    by 1.2. This methodology is consistent with that proposed by EPA Region 4 Interim  
13    Policy to Identify and Address Potential Environmental Justice Areas.

### 14    Low-Income Populations

15    Table 4.14-3 shows the populations below poverty level and the average per capita  
16    income in the block groups in which the proposed pipeline would be located. The block  
17    groups crossed by the proposed Project had an average per capita income of \$11,237  
18    in Block Group 1, Census Tract 96.04; \$29,247 in Block Group 2, Census Tract 96.04,  
19    both in Sacramento County; and \$10,730 in Block Group 2, Census Tract 40.01 in San  
20    Joaquin County. The average per capita income in Block Group 1, Census Tract 96.04  
21    and Block Group 2, Census Tract 40.01 are both well below the county averages of  
22    \$21,142 and \$17,365, respectively, and are considered potentially significant low-  
23    income populations.

24    Additionally, the proportion of the population below the poverty level in both these block  
25    groups are higher than their respective county averages. Block Group 2, Census Tract  
26    40.01 contains populations below the poverty level representing 30.6 percent of the  
27    block group total populations, which exceeds the corresponding San Joaquin County  
28    proportion of 17.2 percent. Within Block Group 1, Census Tract 96.04 in Sacramento  
29    County, an estimated 27.2 percent of its population has incomes below the poverty line,  
30    a proportion far greater than the Sacramento County average of 14.1 percent. Although  
31    both block groups were identified to contain low-income communities, in each block  
32    group only a single residence is located within the potential impact area of the Project.

**Table 4.14-3. Low-Income Populations in Potential Project Impact Area**

Tracts in Potential Impact Area	Total Population	Population Below Poverty Level <sup>1</sup>	Percent Below Poverty Level <sup>2</sup>	Per Capita Income	Number of Residential Buildings within Potential Impact Area <sup>3</sup>	Contains Significant Low-Income Populations Potentially in Project Impact Area <sup>4</sup>
<b>Sacramento County</b>	<b>1,223,499</b>	<b>169,784</b>	<b>14.1</b>	<b>\$21,142</b>		
Block Group 1, Census Tract 96.04	791	215	27.2	\$11,237	1	Yes
Block Group 2, Census Tract 96.04	5,217	177	3.4	\$29,247	48	No
<b>San Joaquin County</b>	<b>563,598</b>	<b>97,105</b>	<b>17.2</b>	<b>\$17,365</b>		
Block Group 2, Census Tract 40.01	1,424	436	30.6	\$10,730	1	Yes

Notes:

1. Population below poverty level is based on 1999 data.

2. Percent below poverty level is based on 1999 data.

3. Potential Project impact area of Line 108 is 1,000 feet centered along the alignment of the proposed pipeline. Counts are based on aerial photos taken in February 2005 and observations during a November 2005 site visit.

4. Tracts with potentially significant low-income populations are those tracts with populations with annual per capita income below 0.8 times the average for the county in which the tract is located or populations with a percentage of persons below poverty level above 1.2 times the county average. Additionally, a potentially significant low-income area must contain residential buildings within the potential Project impact area.

Source: US Census Bureau, Summary File 3 (SF-3), Tables P82 (Per Capita Income in 1999) and P-88 (Ratio of Income to Poverty Level).

### Minority Populations

Table 4.14-4 shows the relative minority populations based on the block groups in the potential impact area of the Project, as well as the average minority populations for Sacramento and San Joaquin Counties. Each block group in the potential impact area contains minority percentages exceeding averages for the county in which they are located. In Sacramento County, Block Group 1, Census Tract 96.04 has a 54.1 percent minority population, while Block Group 2, Census Tract 96.04 has a 45.1 percent minority population. The proportion of minority and low-income populations for both block groups are higher than the average of 42.3 percent for Sacramento County. However, based on the CSLC's criteria (see footnote 2 of Table 4.14-4) only Block Group 1, Census Tract 96.04 has a potentially significant minority population since its minority population is above 1.2 times the county average (CSLC 2002).

1 **Table 4.14-4. Minority Populations in Potential Project Impact Area**

Tracts in Potential Impact Area	Total Population	Minority Population	Percent Minority	Number of Residential Buildings within Potential Impact Area <sup>1</sup>	Contains Significant Minority Populations Potentially in Project Impact Area <sup>2</sup>
<b>Sacramento County</b>	<b>1,223,499</b>	<b>517,577</b>	<b>42.3</b>		
Block Group 1, Census Tract 96.04	1,930	1,045	54.1	1	Yes
Block Group 2, Census Tract 96.04	5,227	2,356	45.1	48	No
<b>San Joaquin County</b>	<b>563,598</b>	<b>297,638</b>	<b>52.8</b>		
Block Group 2, Census Tract 40.01	1,424	979	68.8	1	Yes

Notes:

1. Potential Project impact area of Line 108 is 1,000 feet centered along the alignment of the proposed pipeline. Counts are based on aerial photos taken February 2005 and observations during a November 2005 site visit.
2. Tracts with potentially significant minority populations are those tracts with minority populations above 1.2 times the average for the county in which the tract is located and residential buildings within the potential Project impact area.

Source: US Census Bureau, Census 2000, Summary File 1 (SF-1), Tables P-4. (Hispanic or Latino, and not Hispanic or Latino by Race) and P-7 (Race).

2

3 Block Group 2, Census Tract 40.01 in the San Joaquin County block group has a

4 68.8 percent minority population, compared to 52.8 percent for the county. As a result,

5 based on the CSLC's criteria, this population would, therefore, be considered a

6 potentially significant minority population by the CSLC. However, within these two block

7 groups identified to contain high minority and low income populations, only a single

8 residence is located within the potential impact zones both in the Sacramento County

9 and San Joaquin County block groups.

#### 10 *Identification of Disproportionately High and Adverse Environmental Effects*

11 When determining whether environmental effects disproportionately impact relevant

12 populations, the following factors are considered to the extent practicable:

- 13 • Whether there is or would be an impact on the natural or physical environment
- 14 that significantly and adversely affects the identified minority, or low-income
- 15 population. Such effects may include ecological, cultural, human health,
- 16 economic, or social impacts on the identified communities when those impacts
- 17 are interrelated to impacts on the natural or physical environment.
- 18 • Whether environmental effects are significant and would result in an adverse
- 19 impact on the identified population that appreciably exceeds or is likely to



appreciably exceed that impact on the general population or other appropriate comparison group.

- Whether the environmental effects occur or would occur in the identified minority population that is affected by cumulative or multiple adverse exposures from environmental hazards.

Potential environmental effects that could result from the Project are addressed in Sections 4.1 to 4.13 of this Environmental Impact Report. Potentially significant and unavoidable risk of upset during operations impacts would result under the proposed Project. The majority of the proposed Project would be located on agricultural land of very low population density. Section 4.5, Hazards and Hazardous Materials, describes the USDOT class designations within the Project impact area. These class designations are based on population density, with Class 1 the least dense and Class 4 the most dense. Most of the proposed pipeline would be located in a Class 1 area. The proposed alignment would extend through the community of Franklin, which is located in a Class 3 area. The low-income and minority communities potentially impacted by the Project are located in a Class 1 area.

Approximately 50 residences are located within the potential impact area of the Project. Two of these residences are in block groups with significant low income and minority populations. Both of these residences are rural agricultural single family homes, and so do not represent large portions of the area's low income or minority population. The Project area would not be disproportionately impacted by a potential upset or explosion along the proposed pipeline. Project risk of upset impacts to minority and low-income populations would be less than significant (Class III).

#### **4.14.6 Impacts of Alternatives**

##### **No Project Alternative**

The No Project Alternative would not result in the construction and operation of a new natural gas pipeline between the Elk Grove and Thornton Stations. There would be no impacts to minority and/or low-income populations.

##### **Franklin 1 Alternative**

The Franklin 1 Alternative would not differ substantially compared to the proposed Project. Impacts to minority and/or low-income populations would be the same as those described for the proposed Project, which would be less than significant (Class III).

**Franklin 2 Alternative**

The Franklin 2 Alternative would not differ substantially compared to the proposed Project. Impacts to minority and/or low-income populations would be the same as those described for the proposed Project, which would be less than significant (Class III).

**Project without Bridge Replacement Alternative**

The Project without Bridge Replacement Alternative would leave the historic suspension bridge in place, so those removal and demolition activities would not occur. Otherwise, this alternative would be the same as the proposed Project. Therefore, impacts to minority and/or low-income populations would be the same as those described for the proposed Project, which would be less than significant (Class III).

**4.14.7 Cumulative Projects Impact Analysis**

In addition to the proposed Project, other projects may contribute to cumulative impacts on public safety in the vicinity of the Project. There are currently two projects that would be under construction at the same time as the proposed Project that would potentially contribute to cumulative impacts in the vicinity of the Project, as discussed in Section 3.4, Cumulative Related Future Projects.

Line 108 would replace an existing, partially deactivated 16-inch natural gas transmission line with a 24-inch line to ensure line integrity in response to increasing residential growth in the greater Sacramento area. This pipeline would have the potential for a release of natural gas, and associated explosion of fire. However, as discussed for the Project, the impacts do not disproportionately affect minority or low-income populations, and would be less than significant (Class III).